

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOHNATHAN C. LARGE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-13-1180-F
)	
BECKHAM COUNTY DISTRICT)	
COURT, et al.,)	
)	
Defendants.)	

ORDER

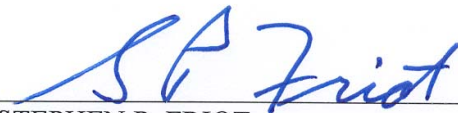
Before the court are the Report and Recommendation of United States Magistrate Judge Gary M. Purcell (doc. no. 65) and Plaintiff's Motion to Dismiss Response Against Report and Recommendation (doc. no. 66). The magistrate judge recommended that plaintiff's claims against defendant Beckham County district attorney's office and claims seeking injunctive and declaratory relief be dismissed with prejudice pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B) on grounds of immunity and mootness. He also recommended that plaintiff's remaining claims be dismissed without prejudice pursuant to 28 U.S.C. §§ 1915A(b) and 1915 (e)(2)(B) for failure to state a claim upon which relief may be granted. He made these recommendations after a careful review of plaintiff's complaint and a thorough exposition of the applicable law. Finally, he recommended that the dismissal of this case count as one "prior occasion" or "strike" pursuant to 28 U.S.C. § 1915(g).

Plaintiff now wants to voluntarily dismiss his case pursuant to Rule 41(a)(1), F.R.Civ.P. However, to allow plaintiff to now voluntarily dismiss this case after the

magistrate judge has expended considerable time and effort on this case would not be appropriate. This is particularly so where, as here, the magistrate found that some of plaintiff's claims failed to state a claim and were frivolous so dismissal should count as one strike. It is also particularly inappropriate because plaintiff is a "frequent filer."

Therefore, the Report and Recommendation of the magistrate judge is **ADOPTED** in its entirety; plaintiff's claim against defendant Beckham County district attorney's office is **DISMISSED** with prejudice pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B) on grounds of immunity. Plaintiff's claims for injunctive and declaratory relief are **DISMISSED** pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B) on grounds of mootness; plaintiff's remaining claims are **DISMISSED** without prejudice pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B) for failure to state a claim on which relief can be granted and as frivolous; and the dismissal of this case shall count as one "prior occasion" or "strike" pursuant to 28 U.S.C. § 1915(g).

DATED this 8th day of January, 2014.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE